

REMARKS

Claims 1-6 and 13 are pending in the application. Claim 1 is amended by adding the preamble language to the claim method.

Applicant's representative conducted a phone interview with Examiners Pagonakis and Marschel on April 17, 2008 to clarify the Examiner's response to Applicant's arguments. It was agreed that amending the claim to indicate to whom the ACE inhibitor was administered, as a step in the method, would overcome the novelty rejection.

35 USC § 102

Claims 1-6 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by Nicklas et al., NEJM, 1992, 327:685-691. Applicants traverse the rejection.

The Examiner indicated that in claim 1, although the preamble of the claim mentioned a subject with chronic heart failure, the method step failed to claim administration of treatment *to a subject or patient*. Claim 1 has now been amended to correct that oversight.

Claim 1 recites that the subject to whom the ACE inhibitor is administered has chronic heart failure. In contrast, the reference study discloses that the ACE inhibitor enalapril is administered to a subject with the object of *preventing the development of heart failure* (Abstract, first para.). To this end, the reference discloses administering enalapril to "patients who had no evidence of overt heart failure" (See: p. 385, Eligibility of Patients, Run-In Period, and Randomization). This is totally contrary to the claimed method which administers enalapril to a subject who has chronic heart failure. Further, Nicklas et al. did not indicate that atrial fibrillation was reduced following treatment.

Since the reference fails to teach all the limitations of the claims, the claims are novel over the cited art.

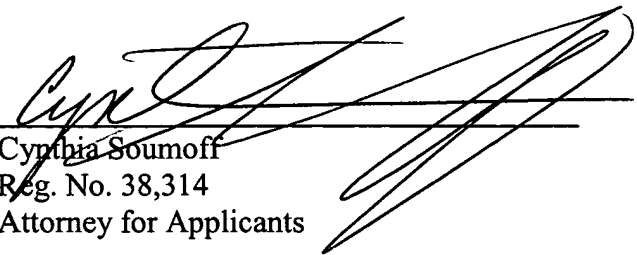
For all the above reasons, Applicants assert that the claims are not anticipated by the cited reference and request that the rejections be reconsidered and withdrawn.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should she believe that this would expedite prosecution of this application.

It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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